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Security Council

... General
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Letter dated 3 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/627).

The Counter-Terrorism Committee has received the attached supplementary report from the Kingdom of the Netherlands, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 30 September 2002 from the Permanent Representative of the Netherlands to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

With reference to your letter of 28 May 2002, written in your capacity as Chairman of the Counter-Terrorism Committee, it is my pleasure to submit herewith the answers to the questions put forward in your letter (see enclosure).

As requested, the answers follow the numerical order of the paragraphs and subparagraphs of resolution 1373 (2001). The Netherlands understands and appreciates that this report will be circulated as a document of the Security Council.

Let me reiterate that my Government is ready to cooperate further with the Counter-Terrorism Committee.

(*Signed*) Dirk Jan **van den Berg**
Ambassador
Permanent Representative

Enclosure

Second report on the implementation of resolution 1373 (2001)

Subparagraph 1(a)

Question 1
As Annex B of the FATF's annual report for 2001-2002 makes clear, the Netherlands has applied 7 of the 8 special recommendations adopted by the FATF after 11 September to take rapid, targeted action against the financing of terrorism. Where recommendation 8 is concerned, which focuses on the financing of terrorism by non-profit organisations, the FATF has suspended the application and implementation of this recommendation pending the outcome of further consultations. The Netherlands is therefore fully in compliance with the FATF recommendations that are subject to implementation.

Question 2
In the Netherlands, the obligation to report suspicious transactions applies to the following: banks, insurance companies, De Nederlandsche Bank NV, credit card companies, securities institutions, currency exchange organisations, money transfer institutions, casinos, and so-called gatekeepers such as dealers in expensive goods (e.g. cars, ships, jewellery, diamonds, art and antiques). In addition, in anticipation of the deadline set by the second European Money Laundering Directive, persons practising liberal professions such as lawyers, notaries, estate agents, tax consultants, chartered accountants, and company managers will also become subject to the reporting obligation. Finally, the customs authorities have an internal guideline making it compulsory for customs officials to report any unusual cross-border money transports.

Three amplifications to the above may be added: where there is an obligation to report, clients are also required to prove their identity under the terms of the Identification (Financial Services) Act (WID). Furthermore, for the purposes of the act regulating the reporting obligation (Disclosure of Unusual Transactions (Financial Services) Act (MOT), what is relevant is not a person's stated occupation but the service performed, which means that the reporting obligation is wider-ranging than the list of occupations suggests. Finally, rather than "suspicious" transactions the Dutch legislation uses the wider term "unusual" transactions, which means that the scope of the reporting obligations is wider than in many other countries. It is an offence under the Economic Offences Act (WED) to fail to report an unusual transaction.

In addition, where transactions suggestive of the financing of terrorism are concerned, there is an additional obligation on top of the existing reporting obligation, for transactions that could be linked to anyone on the European Union's sanctions lists.

For the rest, the system covering unusual transactions is so wide-ranging that it includes the financing of terrorism. This is reflected not only by the unusual character of the reporting obligation (which exists regardless of whether or not there is a demonstrable link with any predicate offence) but also by the system of indicators or guidelines on the basis of which the institutions concerned are obliged to report. This detailed system goes beyond the automatic reporting of any transaction above a certain amount (which is anyway rather small) and includes the obligation to report on the client's behaviour, demeanour, attitude and stated wishes.

Question 3
Informal banking networks, such as Hawala, Hindi and Chit, are prohibited in the Netherlands, unless registered, under the Money Transaction Offices Act. This act deals with money transfer points and exchange offices. Any purveyor of such services that offers them without having been placed under the supervision of De Nederlandsche Bank NV is committing an economic offence.

Question 4
The Trust Offices Act (WTT) has been accorded priority, and will enter into effect at the end of 2003 if possible. It should be noted, however, that a registration obligation has already been introduced, ahead of the proposed legislation, for finance companies. The provisions for finance companies will be integrated and amplified in the WTT as soon as the Act enters into effect. So a provision making registration compulsory already exists for part of the WTT's target group, giving the supervisory body, De Nederlandsche Bank NV, more insight into the market.

Subparagraph 1(b)

Question 5
Any violation of the provisions (adopted pursuant to decisions taken at international level) laid down in or pursuant to the Sanctions Act 1977 is a criminal offence under the Economic Offences Act. If such a violation is intentional, the perpetrator may be sentenced to up to six years' imprisonment. This sentence, given the nature of the offences for which it can be imposed, is proportionate to the various maximum sentences that can be imposed under the terms of the Criminal Code for acts committed intentionally with a view to financing terrorism. Intentionality is not a requirement in the case of violations of the provisions of or pursuant to the Sanctions Act that are defined as criminal offences in the Economic Offences Act.

Subparagraph 1(c)

Question 6
The possibility of freezing the assets of suspect persons and/or organisations in response to a request for mutual legal assistance in criminal matters also exists in the Netherlands and the Netherlands Antilles.

Subparagraph 1(d)

Question 7
As indicated in the answer to question 2, the unusual nature of the Netherlands' reporting system makes it more extensive than those of other countries. In addition, the system covers not just banks but also Customs, non-banking financial agencies, and gatekeepers such as dealers in expensive merchandise - and in the near future will cover practitioners of the liberal professions as well. Transactions and services performed for associations by purveyors of services who are subject to the reporting obligation as defined above can be reported in the same way as those performed for natural persons or other legal persons. What counts is generally not who provides the service but the nature of the transaction. The constitutional freedom of association that could possibly constitute an impediment, in other countries, to the reporting of transactions or services performed for associations, does not constitute any impediment whatsoever in the Netherlands.

The following comment should be added here: in some cases it will in fact be the client rather than the nature of the transaction that prompts a report. This would apply, for instance, to legal or natural persons whose names occur on the European Union's sanctions lists. In other cases the decision to

report may be prompted by the country of origin or destination, for instance in the case of NCCT countries designated as such by the FATF. In this case too, the constitutional protection of the freedom of association is not an issue, since the system in the Netherlands involves reporting unusual transactions to an administrative agency. The fact that this agency may immediately declare the unusual transaction suspect and alert the police or the judicial authorities does not alter this in any way.

Subparagraph 2(a)

Question 8
Directive 91/477/EEC of 18 June 1991 of the Council of the European Communities on the control of the acquisition and possession of weapons was transposed into Dutch legislation by act of parliament of 27 January 1994 (Bulletin of Acts and Decrees 1994, 84), which entered into effect on 1 April 1994.

In the Netherlands, aside from a few exceptions, the legal possession of firearms is restricted to those who have been issued with a permit authorising such possession or a hunting licence with respect to the firearm concerned. When deciding whether to issue a permit authorising possession, besides the applicant's reliability and age, the applicant's reason for wanting to possess a weapon is an important criterion. The applicant must have a "good reason", which would include, for instance, the serious pursuit of marksmanship in a shooting club.

Applications for hunting licences are also assessed on the basis of age (applicants must be at least eighteen) and reliability, as well as the likelihood of misuse. In addition, applicants must demonstrate that they have hunting rights and are able to exercise them.

Reliability is assessed, both for permits authorising possession and for hunting licences, on the basis of a number of criteria, chief among which are the following:

- applications from persons who have at any time been admitted to a psychiatric hospital under article 37 of the Criminal Code, or who have been made subject to a hospital order under article 37a of the Criminal Code, will not be taken into consideration;
- applications from persons who have been convicted, within the previous eight years, of any of a large number of specified criminal offences by a final and conclusive judgment, whether handed down by a Dutch or a foreign court, will not be taken into consideration. The voluntary payment of a transaction, within the meaning of article 74 of the Criminal Code, is deemed equivalent, for the purposes of this provision, to a final and conclusive judgment.

Question 9
The International Convention for the Suppression of the Financing of Terrorism has been implemented in the Dutch criminal law. Criminal proceedings may be instituted against anyone engaged in criminal forms of the collecting of funds to aid and abet terrorism. This can be effected along three lines:

First, the financing of criminal offences can be defined as making preparations for a crime as defined in article 46 of the Criminal Code. This offence, which carries a penalty of eight years' imprisonment or more, is defined as one in which the perpetrator has intentionally acquired, imported, transported, exported, or kept in his possession certain objects (including money or means of payment) such as materials, information carriers, premises or means of transport, which are manifestly intended for the purposes of committing that crime. Hence financing or supporting acts of terrorism falls within the definition of preparation for a crime.

Second, financing or supporting terrorism may also be a criminal offence if it can be classified as joint perpetration of or complicity in an offence, or procuring its commission, or the attempt thereto. Thus, anyone who intentionally procures the commission of an offence by making a donation or a pledge, or by making resources available, is liable to prosecution. Besides attempting to commit a terrorist attack, attempting to procure the commission of a terrorist attack is also a criminal offence under article 46a of the Criminal Code.

Third, the financing of terrorism may also be a criminal offence under article 140 of the Criminal Code on participation in an organisation whose purpose is to commit crimes. Legislation is currently under preparation that will explicitly criminalise membership of a terrorist organisation. Acts of terrorism are almost always financed through the channels of some organisation.

The question arises of the extent to which it must be demonstrated or proven that the organisations collecting funds are aware that the money will be used, or risks being used, to finance criminal acts related to terrorism.

Under article 2 of the International Convention for the Suppression of the Financing of Terrorism, any person who by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out the acts of terrorism defined in paragraphs a and b of that article, is guilty of financing terrorism. In the Dutch context, it would have to be proven, for instance, that the fundraising organisation is acquiring or is in the possession of money or other means of payment that are evidently intended for the commission of crimes of terrorism. This means, for instance, that it will have to be proven that a self-styled charity is aware that the money it collects will be used, when transferred, to commit acts of terrorism. To prove this, it will not be necessary to demonstrate a link between the money that has been collected and a specific act of terrorism. Nor is it necessary for any act of terrorism to have taken place after the collection and transfer of the money. This point is made in article 2, paragraph 3 of the Convention. Essentially, what needs to be established is that a terrorist organisation is acquiring funds in order to prepare and commit acts of terrorism, and that the organisation collecting these funds is aware of this.

The adoption of the Convention and its wide scope may help to intensify the effort to suppress the financing of terrorism and hence help sharpen awareness of, and shed more light on organisations that have one branch that is politically active and another that commits acts of terrorism.

If there is evidence that an organisation collecting funds is guilty of preparing for the commission of a crime, an investigation will be launched. It should be added that the above does not prejudice the scope for instituting criminal proceedings for a violation of any of the provisions (adopted to implement decisions taken at international level) in or pursuant to the Sanctions Act 1977. For instance, engaging in any financial or economic transaction whatsoever with a person or an organisation whose name appears on an international list of terrorists is a criminal offence punishable by up to six years' imprisonment. To prove guilt it is not necessary to establish that the accused was aware of the purpose of the financial or economic transaction concerned. The mere fact that a provision of the Sanctions Act adopted in line with international decision-making has been violated either wilfully or through significant negligence is sufficient to procure a conviction under the criminal law (see also the answer to question 5).

Subparagraph 2 (b)

Question 10
The Intelligence and Security Services Act gives the National Security Service (BVD) (now the AIVD) the power to request information about individuals from the holders of personal data. However, contrary to the impression given in the first report, such information is provided on a voluntary basis. For completeness' sake, a translation is included here of the text of the Act as it has been in force as from 1 June 2002:

Section 17, subsection 1
The services are competent, in order to fulfil or promote the fulfilment of their responsibilities, to apply, for the purposes of gathering information, to:
a. administrative bodies, officials, and any other person they believe may be able to supply the information required;
b. any person or body responsible for processing data.

The above provisions describe which bodies are involved. It would be impossible to give an exhaustive list of all holders of personal data. Examples of the kind of information that is at stake would include personal particulars registered by the Immigration and Naturalisation Service, information filed by municipal authorities about members of the population, information kept by banks about their clients/account holders, and the information kept by airlines about their passengers.

Subparagraph 2(c)

Question 11
The general rule in the Netherlands is that Dutch criminal law is applicable to Dutch nationals who commit criminal offences outside the Netherlands provided these are crimes both under Dutch law and in the country in which the offence was committed. It is not necessary for the accused Dutch national to be in the Netherlands for criminal proceedings to be instituted against that person in the Netherlands.

There are no specific rules of jurisdiction at the moment in respect of persons whose permanent or temporary place of residence is in the Netherlands. However, the Crimes of Terrorism Bill, which currently lies before the House of Representatives of the States General, proposes that the Dutch courts should also have jurisdiction over terrorist crimes that are committed outside the Netherlands by someone whose permanent or temporary place of residence is in the Netherlands.

Where crimes of terrorism are involved, the principle of universal jurisdiction applies in the Netherlands. Dutch criminal law is applicable to anyone who is in the Netherlands and who has committed an act of terrorism outside the Netherlands. Universal jurisdiction is restricted for criminal offences that fall within the scope of the Convention on the Physical Protection of Nuclear Material, the Convention on the Prevention and Punishment of Crimes against Persons Enjoying International Immunity, including Diplomatic Agents, the International Convention against the Taking of Hostages, the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, in respect of which the Netherlands does not possess primary jurisdiction (if there is no Dutch accused, and if the event does not take place on a Dutch vessel or aircraft). In such cases, Dutch courts have jurisdiction only if a request for extradition has been made and refused. Where crimes of terrorism are concerned that come within the scope of the other conventions for the suppression of terrorism, this restriction does not apply. It should be added that the Netherlands intends to scrap this restriction.

Subparagraph 2 (e)

Question 12
At the moment, participation in a criminal organisation is punishable (under article 140 of the Criminal Code) by up to six years' imprisonment. If this participation consists of founding, leading or administering the organisation, the sentence may be increased to a maximum of eight years' imprisonment.

Once the Crimes of Terrorism Bill that is presently before Parliament has been passed, participation in a criminal organisation whose purpose is to commit crimes of terrorism will be punishable by up to eight years' imprisonment, or fifteen years in the case of a founder, leader or administrator of such an organisation.

Under Dutch law different maximum penalties apply in respect of different serious crimes. For examples, the maximum penalty for murder is life imprisonment, and that for the taking of hostages is twelve years' imprisonment. Deliberately causing an explosion also carries a maximum sentence of twelve years' imprisonment, but if it results in a fatality, life imprisonment may be imposed. Once the above-mentioned Crimes of Terrorism Bill has entered into force, the maximum sentences for serious crimes may be increased by 50% (up to the universal statutory maximum penalty of life imprisonment, which is in practice at most 20 years) if these serious crimes were committed with a terrorist aim.

Subparagraph 3 (c)

Question 13
With which countries has the Netherlands entered into bilateral treaties on extradition and mutual legal assistance in criminal matters?

The Netherlands has entered into bilateral treaties on extradition with the following countries:
Argentina
Australia
Bahamas
Canada
Hong Kong
India
Kenya
Liberia
Malawi
Mexico
Monaco
New Zealand
Pakistan
Romania
San Marino
Serbia
Suriname
Tanzania
Uganda
United Kingdom
United States of America
Yugoslavia

The Netherlands has entered into bilateral treaties on mutual legal assistance with the following countries:
Australia
Canada
Hong Kong (to enter into force shortly)
Suriname
United States of America

Mutual legal assistance is possible on the basis of bilateral extradition treaties between the Netherlands and the following countries:
Argentina
Great Britain
Liberia
Mexico
Monaco
Romania
San Marino
Suriname
Yugoslavia

Subparagraph 3 (d)

Question 14
The Netherlands has ratified and implemented all twelve UN Conventions and Protocols relating to terrorism.

The following international conventions are fully applicable for the Netherlands Antilles and Aruba: the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo,14 September 1963; Treaty Series 1964,186), the Convention for the Suppression of the Seizure of Aircraft (The Hague,16 December 1970; Treaty Series 1971, 50) and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971; Treaty Series 1971, 218). In the case of the other nine UN conventions, these have been ratified by the Kingdom of the Netherlands, but where the Netherlands Antilles and Aruba are concerned, the necessary implementation legislation is still being drafted. Dutch lawyers specialised in legislation are helping to accelerate this process. The drafts are expected to be ready after the summer, after which they can be presented to the Advisory Council and then brought before Parliament. Depending on the rate of progress, the implementation legislation for all the remaining UN conventions may be able to enter into force for the Netherlands Antilles and Aruba at the beginning of 2003.

Subparagraph 3 (e)

Question 15
Have the crimes set forth in the relevant international conventions and protocols been included as extraditable offences in the bilateral treaties to which the Netherlands is party?

Yes, except for the bilateral treaty between the Netherlands and the United States of America. In article 2 of that Treaty, extraditable offences are described as offences as referred to in the appendix to the Treaty which are punishable under the laws of both Contracting Parties. These offences are as follows:
1. Murder; assault with intent to commit murder.
2. Manslaughter.

3. Malicious wounding; inflicting grievous bodily harm.
4. Arson.
5. Rape; indecent assault; incest; bigamy.
6. Unlawful sexual acts with or upon children under the age specified by the laws of both the Requesting and Requested States.
7. Wilful abandonment of a minor or other dependent person when the life of that minor or that dependent person is or is likely to be injured or endangered.
8. Kidnapping; abduction; false imprisonment.
9. Robbery; burglary; larceny; embezzlement.
10. Fraud, including obtaining property, money or valuable securities on false pretences, deceit, falsehood, or other fraudulent means.
11. Bribery, including soliciting, offering and accepting.
12. Extortion.
13. Receiving, possessing or transporting anything of value knowing it to have been unlawfully obtained.
14. Offences relating to criminal breach of trust.
15. An offence against the laws relating to counterfeiting and forgery, including the forging of seals, trademarks, documents, or use of such forgeries.
16. An offence against the laws relating to international transfers of funds.
17. An offence against the laws relating to importation, exportation or transit of goods, articles, or merchandise, including violations of the customs laws.
18. Offences relating to slavery or the illegal transporting of persons.
19. Offences against the laws relating to bankruptcy.
20. Offences against the laws relating to prohibition of private monopoly or unfair trade practices.
21. Perjury; subornation of perjury, making a false statement to a government agency or official.
22. Offences relating to wilful evasion of taxes and duties.
23. Any act or omission intended or likely to: a) endanger the safety of an aircraft in flight or of any person on board such aircraft; or b) destroy or render any aircraft incapable of flight.
24. Any unlawful seizure or exercise of control of an aircraft in flight by force or violence or by threat of force or violence, or by any other form of intimidation.
25. Any unlawful act or omission intended or that is likely to endanger the safety of any person in a railway train or in any vessel or other means of transportation.
26. Piracy, mutiny, or any mutinous act committed on board a vessel.
27. Malicious damage to property.
28. Offences against the laws relating to the traffic in, or the possession, production or manufacture of narcotic drugs, cannabis, psychotropic drugs, cocaine and its derivatives, and other dangerous drugs and chemicals.
29. Offences against laws relating to poisonous chemicals or substances injurious to health.
30. Offences against the laws relating to firearms, ammunition, explosives, incendiary devices or nuclear materials.
31. Offences against the laws relating to the abuse of official authority.
32. Offences against the laws relating to obstruction of justice.
33. Offences relating to securities and commodities.
34. Facilitating or permitting the escape of a person from custody.
35. Incitements to violence.
36. Any other act for which extradition may be granted in accordance with the laws of both Contracting Parties.

Subparagraph 3 (g)

Question 16

Negotiations are currently in progress within the Council of Europe with a view to updating and amending the European Convention on the Suppression of Terrorism of 1977. Whether or not the scope for entering a reservation should be maintained is an important subject of discussion in this context. The outcome of this discussion cannot be pre-empted. Where the practice of extradition is concerned, it should be noted that the Netherlands has never invoked the reservation it entered to the above-mentioned Convention.

Other matters

Question 17a

Police

The Netherlands has 25 regional police corps and one National Police Services Agency (KLPD).

Regional corps are responsible for civil policing in a number of municipalities, depending on the size of the region concerned. This includes matters such as police supervision in residential neighbourhoods, registering reports received from the public, dealing with traffic problems, providing assistance in public order disturbances etc. at local/regional level.

The KLPD has responsibilities at national level such as supervising roads, waterways and air traffic, and providing support to regional corps with the aid of specialists. The road traffic, railway, waterways and air traffic police all come under the KLPD. In all these areas there is close cooperation with the Royal Military Constabulary, a police force with military status that is largely responsible for border control. The Aliens Police is not a separate division. It consists of specially trained officers within each of the 25 corps, who perform the police's duties under the Aliens Act. The customs authorities are not part of the police in the Netherlands, but instead come under the tax authorities (Ministry of Finance), although they do work in close cooperation with both the police and the Royal Military Constabulary.

The manager in overall charge of a regional corps is the mayor of the largest municipality in the region. The KLPD is headed by the Minister of the Interior and Kingdom Relations. The police is subject to dual lines of authority: where maintaining public order and safety is concerned, the competent authority is the mayor of the municipality in which the police is operational, while the Minister of the Interior and Kingdom Relations bears final responsibility for maintaining public order and safety.

When the police is acting on the basis of the criminal law to maintain public order, and fulfilling responsibilities for the judicial authorities, it is subject to the authority of the public prosecutor. In such cases, the Minister of Justice bears responsibility at national level. To coordinate matters there are two permanent tripartite consultative frameworks:
consultations between the mayor, the public prosecutor and the police chief (regional, local);
consultations between the Minister of the Interior and Kingdom Relations, the Minister of Justice, and the head of the General Intelligence and Security Service (national).

The results of the first consultations are of course transmitted to the second, so that all parties are in the possession of the right information.

The consultations among the 25 regional corps proceed through the Board of Chief Commissioners, on which sit the police chiefs of all 25 regional corps.

Supervisory authorities in the Netherlands

National Bank

Supervision of financial institutions is essential given their special and vital role in the economy and the public importance of the continuity of individual institutions. Along with its responsibilities in relation to the euro and the payments system, another main function of De Nederlandsche Bank (the Bank) is supervision, comprising supervision of banks, supervision of investment institutions and supervision of foreign exchange offices.

Through its authorisation system, the Bank ensures that banks and other institutions meet certain minimum requirements. It also monitors the integrity of the financial system and of managers. It is one of the three supervisory authorities for financial institutions in the Netherlands.

It is important that public confidence in banks is maintained. De Nederlandsche Bank therefore ensures that banks operate responsibly. It is not responsible for the risks run by banks. It is not up to supervisory authorities to do the work of bankers; the management of a bank bears full responsibility for its own policy. It should be noted that the act governing supervision refers to 'credit institutions' rather than 'banks', 'credit institutions' being a collective term for universal banks, banks organised on a cooperative basis, savings banks, security credit institutions and institutions such as mortgage banks. These are all institutions whose business is to receive repayable funds from the public, for example by offering savings schemes. The funds received are used for loans and investments for the credit institution's own account, for example in the form of loans to enterprises or individuals.

Investment institutions are institutions which solicit funds from the public for subsequent investment. The returns on these investments are for the benefit of the investors. The funds brought in by investors form the institution's own funds. The capital is invested in shares or bonds etc. However, the institution may also invest in property, foreign currencies or options. Investment always entails risk, meaning that investment institutions can give no guarantees as to future results. The institutions are accordingly obliged to include a warning in their advertisements and other publicity material that the value of investments may fluctuate and that past performance is no guarantee for the future. Investment institutions can hedge or reduce certain risks by means of options, futures contracts etc. This invariably involves costs which affect the final result.

Since March 1995 all foreign exchange offices must be registered with the Bank. The objective in this case is entirely different to that of the supervision of banks and investment institutions. It was commonly thought in the early nineties that some foreign exchange offices were being used for laundering criminal gains, thereby jeopardising the integrity of the Dutch financial system. The Exchange Offices Act primarily seeks to protect this integrity and its specific objective is to prevent money laundering. Only those foreign exchange offices that meet legal requirements in respect of managers' trustworthiness and sound management are entered in the Bank's register and may conduct foreign exchange transactions. The foreign exchange offices must report unusual transactions, while their customers must give proof of identity in certain cases. Exchange rates and commission charges must be clearly displayed in each office.

In comparison with other countries, the banking sector in the Netherlands is highly concentrated. So in the unlikely event of a large bank getting into difficulties, the risk is high that this individual institution's problems will rapidly spread to others. This is one reason why supervision of the banking sector in the

Netherlands rests with the central bank. To be able to react quickly on an international level as well, the Bank maintains intensive contact with supervisory authorities in other countries. Supervision of investment institutions and foreign exchange offices also falls under the Bank's responsibility.

The Bank is not the only supervisory authority in the Netherlands. The Netherlands Authority for the Financial Markets supervises securities trade in the Netherlands, protects the position of the investor and ensures proper and transparent functioning of the markets. The Insurance Board supervises the insurance companies and pension funds operating in the Netherlands. The Bank maintains close contact with this agency, in the context of the Council of Financial Supervisors and at other levels.

Supervision of the financial sector is not static. Supervisory authorities need to constantly anticipate developments in the financial area, such as the growing internationalisation of the banking sector and the increasing importance attached to the supervision of financial integrity. These factors inspired a thorough reorganisation of the Bank's supervisory sector, effective from 1 July 1997.

The Netherlands Authority for the Financial Markets

The Netherlands Authority for the Financial Markets is an autonomous administrative authority and most powers relating to the supervision of securities legislation have been delegated to it by the Ministry of Finance. As an autonomous administrative authority, it has independent responsibility for carrying out its supervisory role. The Supervisory Board oversees the way in which the Executive Board carries out its activities. The Minister of Finance has powers to appoint the chairman and members of the Executive Board and the Supervisory Board, and to approve amendments to the Authority's articles and the annual budget.

The offices of the Netherlands Authority for the Financial Markets are on the Singel in Amsterdam. Over the years the Authority's supervisory role has grown. It began to carry out its supervisory role in 1989 with three members of staff and currently fulfils its role in the securities market with the help of just over 200 staff.

The Pension and Insurance Board

The Dutch Pension and Insurance Board (PVK) is responsible for the supervision of insurance companies and pension funds. The rapid developments taking place in the financial markets make watchful and authoritative supervision essential. In addition to direct supervision, its activities include research, policy advice and the provision of information. It protects the interests of the consumer without losing sight of the interests of the sector.

The PVK's aim is to ensure that insurers and pension funds fulfil their obligations to policyholders, pension scheme members and pension recipients. The PVK is goal-oriented, trustworthy, cooperative and self-critical. These core mission values are achieved through ongoing acquisition of knowledge, results-oriented cooperation and the maintenance of a consistent and discreet approach.

The PVK supervises the operations of all insurance companies and pension funds that do business in the Netherlands. The aim is to ensure that the institutions concerned are and remain financially sound and that they are also able to fulfil their obligations in the future. It also advises the ministries involved in the insurance and pensions area, including giving advice on national and European legislation.

The PVK uses a normative system of supervision, which means that supervision takes place retrospectively. An assessment of an institution is arrived at through inspecting and consulting on annual accounts and auditors' and other reports. The PVK carries out targeted research, which more

thoroughly investigates specific subjects. Another important responsibility is checking on the expertise and trustworthiness of all current and new managers and directors of insurance companies and pension funds. The emphasis in the years ahead will be on integrity, national and international cooperation between financial supervisory bodies, the formation of conglomerates and their supervision, transparency and the provision of information. At the moment, a good deal of attention is also being paid to the introduction of the euro, the use of derivatives, new actuarial principles and the level of interest rates.

The PVK is not the only supervisor in the financial arena. Cooperation between the various controlling bodies, national and international, is not only desirable but essential in order to ensure an overall view of the dynamic and complex domestic market, and to keep track of the increasing number of cross-border contacts between institutions subject to supervision.

The Immigration and Naturalisation Service

The Immigration and Naturalisation Service (IND), a department of the Ministry of Justice, is responsible for the implementation of policy on aliens. Its tasks include assessing applications for family reunification and to work in the Netherlands, together with the supervision of aliens residing in the Netherlands and the assessment of asylum requests.

The IND does not carry out all these tasks on its own, but works with a large number of organisations, ranging from the police, the Royal Military Constabulary and Customs to the Central Reception Organisation for Asylum Seekers, the Aliens Police, the embassies, and the Ministry of Foreign Affairs.

The IND has more than 3,500 expert and committed staff. Most of them are located at one of the five regional offices, while a small number are located at the head office in The Hague. The IND is responsible, on behalf of the State Secretary, for the implementation of the core tasks of issuing standard residence permits to aliens, naturalisation, visas, asylum, supervision of aliens, and border security.

The geographical location of the regional offices corresponds to the provinces and the police regions. An attempt is also made to match the regional locations of the reception and investigation centres and the asylum seekers residence centres. The central regional office is something of an exception: it deals with specific groups of asylum seekers throughout the Netherlands, and is therefore not regionally orientated.

Customs Service

The Dutch Customs Service employs approximately 6,000 people. The organisation, the Directorate of which is established in Rotterdam, consists of seven districts. These districts are divided into thirty-seven customs offices, which in turn are subdivided into teams. A district is in charge of administering national and international regulations on the import, export and transit of goods.

Assisting units

The Customs Service has four assisting units: the Laboratory, the Customs Information Centre (DIC), the Central Control and Administration Unit (CBD) and the Central Import and Export Office (CDIU). The Laboratory conducts chemical analyses on samples, in order to help assess the amount of customs duties, excise duties and export refunds for agricultural goods. The Customs Information Centre collects, processes and distributes information to assist in the customs tasks. On the basis of this information it makes risk analyses to determine whether goods will be inspected. The Central

Customs Management Unit is in charge of the automated systems in the customs organisation, the measures and tariffs applicable to the import, export and transit of goods, and the central administration of the levying and collection of customs and excise duties. The Central Import and Export Office issues licenses for the import, export and transit of industrial goods. It also deals with the export of strategic goods and the distribution and administration of economic import quotas.

Tasks

The Customs Service is the controlling authority in the field of the import, export and transit of goods.

Its tasks include:

- controlling the import, export and transit of goods: To carry out its control tasks, Customs inspects the flows of goods entering or leaving the territory of the European Union. Inspections are carried out on the basis of risk analyses. Container scans have been put into use at the Maasvlakte in the port of Rotterdam and at Schiphol Airport;
- levying and collecting import duties and domestic excise duties: Customs levies taxes on goods imported via the Netherlands into the European Union. It determines whether customs duties or other taxes, such as excise duties and value added taxes, should be paid. It also collects these duties and taxes. Since 1993 it has also been in charge of levying and collecting motor vehicle taxes and carrying out checks for that purpose;
- enforcing Dutch and European Union legislation: Customs contributes to the regulation of the European market. Within the European Union there is a system of levies and refunds through which the agricultural and food markets are regulated;
- protecting the quality of our society: Customs enforces legislation governing the quality of our society. This quality is guaranteed through a number of acts, such as the Opium Act, the Weapons Act and legislation on the health of people, animals, plants and the environment. Customs enforces these laws for the ministries responsible for the legislation. This task, which is still increasing, is of great social importance.

Cooperation and fraud control

The European Union and the Dutch government attach great value to effective fraud control. The emphasis lies on joint actions to fight fraud in sensitive sectors, on strengthening the supervision of the transit of goods and on the development of automated systems to assist customs checks. Customs seeks to cooperate on a national and international level. Agreements have been made with trade and industry on the timely and automated supply of data about movements of goods. In this way customs checks, fraud control and rapid completion of logistic processes go hand in hand. The cooperation agreements are laid down in Memoranda of Understanding. Customs cooperates with other national and international inspection and investigation services with which covenants have been concluded. Through this concentration of strength, the exchange of data has been stimulated and the efficiency of inspections has been enhanced.

The Dutch anti-terrorism and security action plan includes an action point on strengthening external frontier controls and mobile aliens supervision. Through intensive use of police files, improving officers' expertise in checking the authenticity of travel documents and improving the information available, frontier controls and mobile aliens supervision will be better equipped to combat terrorism. Additional measures have been taken with regard to the two largest frontier points: Amsterdam's Schiphol airport and the port of Rotterdam.

The following measures have been taken as part of the fight against terrorism:

1. more intensive use of police files;

2. tightening and improving passport control through special training for the officers concerned and improved technical capabilities;
3. increasing the number of Royal Military Constabulary staff involved in document control and the National Documents Office;
4. improving the information available for border control and mobile aliens supervision;
5. stepping up patrols in the port of Rotterdam;
6. stepping up physical inspections in the port of Rotterdam;
7. stricter enforcement of passenger bans in the port of Rotterdam;
8. supervision of the non-Schengen transit zone at Schiphol airport;
9. supervision of the Schengen transit zone at Schiphol airport;
10. strengthening analysis capability at Schiphol airport;
11. Schengen-based border controls at Schiphol airport;
12. investigating broader statutory powers for mobile aliens supervision.

The border controls carried out by the Netherlands must comply with relevant EU legislation and further decisions taken at European level. The measures being considered internationally involve the use of biometric data at frontier crossing points, more intensive cooperation between border police forces in member states, improving information exchange, and more intensive supervision in international transfer facilities at airports.

United Nations S/2002/1137

Security Council

Distr.: General
8 October 2002

Original: English

Letter dated 7 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/639).

The Counter-Terrorism Committee has received the attached supplementary report from Bangladesh, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

02-64272 (E) 211002

Annex

Letter dated 3 October 2002 from the Permanent Representative of Bangladesh to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit, further to our report of 18 January 2002 and with reference to your letter of 28 May 2002, a supplementary report on measures taken by the Government of Bangladesh pursuant to the provisions of Security Council resolution 1373 (2001) on international terrorism (see enclosure).

(*Signed*) Iftekhar Ahmed **Chowdhury**
Ambassador
Permanent Representative of Bangladesh to the United Nations

Enclosure

Supplementary report of Bangladesh on implementation of Security Council resolution 1373 (2001)

The following is the additional information from and comments of the Bangladesh Government in response to communication dated 28 May 2002 addressed to the Permanent Representative of Bangladesh to the United Nations by the Chairman of the UN Counter-terrorism Committee (CTC).

Sub-paragraphs 1 (a), (b) and (d)

Point 1. Could Bangladesh please indicate how it complies with and proposes to comply with the requirements for each of the sub-paragraphs of paragraph 1? Please provide answers for each of the sub-paragraph, with a description of the relevant clauses or existing or proposed laws that ensure compliance.

The objectives and requirements of the paragraph 1 of resolution 1373 (2001) are covered by the "Money Laundering Act, 2002" enacted on 5 April 2002. As indicated below, other statutes and laws confer wide powers to the Government of Bangladesh for the control of financing of terrorism.

The Government of Bangladesh is now in the process of inter-ministerial consultations with a view to acceding to the International convention for the Suppression of the Financing of Terrorism.

Point 2. Are non-resident persons and entities allowed to hold funds in Bangladesh financial institutions?

Non-resident persons or firms can maintain foreign currency accounts in Bangladesh. Non-residents can maintain accounts in local currency for specific legitimate purposes, including, for instance for the purpose of investment.

Point 3. What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?

Prior approval of the government is mandatory to receive donations from abroad as per Foreign Donations (Voluntary activities) Regulation Ordinance, 1978. The existing rules of the country also do not permit to mobilize funds (donations or other similar funds) for making remittances outside the country. There is strict Central Bank supervision to identify and monitor unusual and unwarranted transactions in the individual account.

The supervision and control of foreign donations, activities of NGOs, voluntary societies or other similar entities fall within the purview of the NGO Affairs Bureau, which is under the Prime Minister's Office. Donation from any foreign source can be accepted only with the expressed written approval of the NGO Bureau. The maintenance of bank accounts pertaining to this class of entities and transfer of money from one to another account or bank requires expressed written permission of the Government. After the terrorist attacks of September 11, 2001, any new activity by this group of entities has to be expressedly cleared by the local authorities where the activity is carried out, viz. by the

Deputy Commissioner in case of districts. The Ministry of Finance and the Bangladesh Bank also have wide supervisory powers in the area given by the Foreign Exchange Regulation Act, 1947.

Point 4. Are financial institutions, other intermediaries (e.g. lawyers) and other natural or legal persons required to report suspicious transactions to the relevant authorities? What penalties apply to those who omit to report?

Under the new Money Laundering Act, 2002, steps are underway to instruct all banks and financial institutions to report any suspicious/unusual transactions immediately in a prescribed manner. As per Section 19 (4) of the aforementioned Act, if the institutions fail to do so, it may be subjected to a penalty up to Taka one hundred thousand, with a minimum of Taka ten thousand.

Sub Paragraph 1 (c)

Point 5. The report states that the banks operating in Bangladesh were advised to monitor, freeze and report on accounts lined to terrorist organizations. Please outline the relevant provides of the laws that authorized such action.

Bangladesh Bank has no direct legal authority to instruct any bank to freeze any account. If any account is required to be frozen, a court order is obligatory. To collect information about any account or transaction of a bank, provisions of Section 19 (2) of the Foreign Exchange Regulation Act, 1947 and Section 36 (2) of Bank Companies Act, 1991 are applied.

Paragraph 2

Point 6. Please outline the relevant existing legal provisions or administrative arrangements that enable Bangladesh to comply with each of the sub-paragraphs of paragraph 2.

Mobility of unwanted persons is prevented by strictly restricting the cross-border movement of any person without proper documents of identity and valid travel documents. There are legal provisions in the existing law of Bangladesh to deal with persons involved in terrorist acts. The Bangladesh Rifles and Border Security Forces of neighbouring countries exchange information and intelligence on movement/activities of persons suspected persons.

Point 7. Please describe how Bangladesh applies border controls, with particular reference to the movement of terrorists across its borders.

Border patrol operations along territories of neighbouring countries are enforced to stop illegal cross-border movement. This including all suspected movements, including those involved or unexplained activities. Valid travel documents are required to move across the borders. Documents are checked and scrutinized by Immigration Department at the border checkpoints. Members of the customs department ensure provisions of the baggage rule. Activities of international check posts are monitored by a number of different security agencies. The Local and civil administration is also integrated in effecting border control.

The Special Powers Act, 1974 empowers the Bangladesh Government with wide ranging powers to detain suspected persons without necessarily showing expressed reasons. It was drafted with a view to control, prevent and preempt prejudicial activities including terrorism in all its forms and

manifestations. The schedule to this Act covers all offences under the "Arms Act" and "Explosive Substance Act." The provisions of these statutes covers a wide range of activities generally recognized as terrorist acts. The two statutes also provide for mandatory sentencing, including death penalty, for certain category of offences.

Point 8. Please define the inter-agency mechanism for co-operation among the agencies responsible for financial trafficking, border control and narcotics.

Coordinated efforts are made by Bangladesh Rifles, Department of narcotic Control, Department of Immigration, Customs and Police to track persons involved in illegal activities including drug control and financing trafficking at the border. The departments meet at high policy making levels, as required, to coordinate issues requiring inter-agency coordination. Necessary directives to monitor specific activities to the implementing agencies follow.

The Ministry of Home Affairs under its Allocation of Business covers, *inter alia*, the following subjects:

a. Movement of registration of aliens
b. Border control and immigration
c. Narcotics control and prohibition

Bangladesh Rifles (BDR), Bangladesh Police and Immigration authorities all come under the Ministry of Home Affairs. In the present Allocation of Business there is built-in mechanism for coordination as it falls under the same Ministry.

Sub-paragraph 3 (a), (b), (c)

Point 9. Please explain how Bangladesh proposes to comply with the requirements of each of these sub-paragraphs.

Strict compliance and proper enforcement of the existing laws and regulations in Bangladesh is deemed to be sufficient to prevent the commission of acts of terrorism and suppress terrorist acts or bring perpetrators of such acts to justice.

Sub-paragraph 3 (c)

Point 10. Has Bangladesh concluded any bilateral treaties on terrorism-related matters? If so, please provide a list of the countries concerned.

Bangladesh is a party to the SAARC Regional Convention on the suppression of terrorism, done at Kathmandu in 4 November 1987. The Convention provides *inter alia* that the extraditable offences listed therein shall be deemed to be included if not already listed as extraditable offence in any extradition treaty existing between contracting states. Where a contracting state makes extradition conditional on the existence of a treaty receives a request for extradition from another contracting state with which no extradition treaty exists the requested state may consider this convention as the basis for extradition in respect to the listed offences. Other than Bangladesh, the Parties to the convention are the Kingdom of Bhutan, Republic of India, Republic of Maldives, the Kingdom of Nepal, the Islamic

Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka. Bangladesh has also concluded an extradition treaty with the Kingdom of Thailand, which covers terrorism-related matters.

In the light of global developments following September 11, 2001, the Foreign Ministers of SAARC have proposed a supplementary protocol to strengthen the SAARC Regional Convention for suppression of terrorism.

Sub-paragraph 3 (d) and (e)

Points 11 & 12. The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Bangladesh in:

- *becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.*

Bangladesh is a party to the following three conventions:

a. Tokyo convention on Offences and Certain Other Acts committed on Board Aircraft;
b. The Hague Convention for the Suppression of Unlawful Seizure of Aircraft; and,
c. Montreal Convention for the Suppression of Unlawful Acts of Safety of Civil Aviation.

The Bangladesh Government is actively considering ratification/accession to, inter alia, the following conventions:

a. 1988 Protocol to the Montreal Convention;
b. Convention for the Prevention and Punishment of Crime against internationally Protected Persons, including Diplomatic Agents;
c. Convention Against Taking Hostages;
d. 1977 International Convention for the Suppression of Terrorist Bombings;
e. International convention for the Suppression of the Financing of Terrorism.

Bangladesh is examining at the technical level enacting legislation where necessary in implementing instruments to which it is a party or about to become one. It is relevant in this context to refer to the provisions of the Bangladesh Act no. LVIII of 1974 entitled *An Act to consolidate and amend the law relating to the extradition of fugitive offenders.* This law enables the Bangladesh Government by a simple gazette notification to designate a non-treaty State to which the provisions of the Act will apply. The Act also empowers the Bangladesh Government by simple executive gazette notification to specify the offences in respect of each State, treaty or non-treaty, the offences to which the provisions of the Act will apply. It is the view of the Bangladesh Government that because of the powers granted to the Bangladesh executive under the said statute implementing legislation may in many cases not be called for.

Bangladesh is carrying out consultations with the SAARC countries and other countries of the Commonwealth on harmonizing draft implementing legislation before submission to the Bangladesh parliament.

Sub-paragraph 3 (f) and (g)

Point 13. Please describe the legal and other measures in place to ensure compliance with the requirements of these two sub-paragraphs and outline the relevant clauses of the legislative provision.

This has been covered in the paragraph above.

Point 14. Please provide a list of countries with which Bangladesh has concluded bilateral treaties on extradition.

In addition to Thailand as mentioned above, Bangladesh has reciprocal arrangement with United Kingdom for the extradition of offenders under the provisions of the Bangladesh Act of 1974. As earlier mentioned, such arrangements can be established through executive notification, particularly in respect of Commonwealth countries.

Point 15. Please explain whether claims of political motivation are recognized as ground for refusing extradition of alleged terrorists.

The Act of 1974 entitled *An Act to consolidate and amend the law relating to the extradition of fugitive offenders* provides that no fugitive offender shall be surrendered where the requisition for such surrender has been made with a view to the offender being tried or punished for an offence of a political character. So far, the application or otherwise of this provision has not been tested in respect of extradition of alleged terrorists.

Article 1 of the SAARC Convention has expressed provided a number of internationally defined terrorist offences shall not be regarded as political offences. These include:

a. An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970;
b. An offence within the scope of the Convention for the suppression of Unlawful Acts against the Safety of civil Aviation, signed at Montreal on 23 September 1971;
c. An offence within the scope of the Convention of the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, singed at New York on 14 December 1973;
d. An offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition;
e. Murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property;
f. An attempt to conspiracy to commit an offence described in sub-paragraphs (a) to (e), aiding, abetting or counseling the commission of such an offence or participating as an accomplice in the offences so described.

Point 16. Has Bangladesh addressed any of the concerns expressed in paragraph 4 of the Resolution?

Bangladesh has already addressed most of the issues in the regional context through the treaties and arrangements with other countries in the region, details of which may be found in relation to the comments to the questions above.

Point 17.Could Bangladesh please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

A graphic representation of the mechanisms in place has not been in place. However, an organizational chart with specific responsibilities and inter-linkages with the mechanisms is being attempted with the agencies concerned. This would be provided with a subsequent compliance report.

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Security Council

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11 October 2002
English
Original: French

Letter dated 10 October 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the text of a communication dated 29 August 2002, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-63600 (E) 141002 141002

Annex

Letter dated 29 August 2002 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

[Original: English]

In accordance with Security Council resolution 1088 (1996), I attach the July monthly report on SFOR operations (see enclosure). I would appreciate your making this report available to the Security Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-31 July 2002) there were just over 16,300 troops deployed in Bosnia and Herzegovina and Croatia with contributions from the NATO allies and from 15 non-NATO countries.

2. During the period under review, the situation in Bosnia and Herzegovina remained stable.

Security

3. The Stabilization Force (SFOR) continues to contribute towards the maintenance of a safe and secure environment in Bosnia and Herzegovina; monitor compliance by the Entity Armed Forces; conduct inspections and consolidation of weapons storage sites; provide support to the international organizations working in theatre, and to the Federation authorities in collecting weapons and ammunition in the framework of Operation Harvest; and monitor possible terrorist-related threats throughout the country.

4. SFOR is continuing an operation, which began on 21 May, in the eastern part of the Republika Srpska to encourage the local population to provide information on the location and movement of persons indicted for war crimes, and to cooperate in their capture. On 2 July, SFOR troops searched one of the Karadzic family homes on the outskirts of Pale, and seized documents, computer disks, videotapes, and three pistols. This search operation created very little public interest. On 3 July, leaflets were dropped over the towns of Han Pijesak, Visegrad and Vlasenica.[1]

5. On 7 July, in Bratunac, SFOR detained Miroslav Deronjic, indicted by the International Tribunal for the Former Yugoslavia for violations of the laws or customs of war and for crimes against humanity (persecutions and murder) carried out in May 1992. On 9 July, SFOR detained Radovan Stankovic, indicted by the Tribunal for enslavement, rape, inhumane treatment and outrages upon the personal dignity of non-Serb civilians during the siege of Foca in 1992. Both men were subsequently transferred to The Hague.[1]

6. SFOR continued Operation Harvest during July and significantly increased the amount of items collected. In the period from 1 January to 31 July 2002, the total number of weapons and ammunition collected amounted to 5,399 small arms (rifles, pistols and revolvers); 1,320,242 rounds of ammunition less than 20 mm; 12,901 rounds of ammunition between 20 mm and 76 mm; 2,220 rounds of ammunition more than 76 mm; 21,482 hand grenades; 2,988 mines; 6,008 explosives; and 38,029 other items (mortars, mortar rounds, rifle grenades, and hand-made ordnance).

7. Following the unannounced inspections carried out in May at the Bosnian Serb (VRS) Lisina air force site and the VRS Air Force headquarters at Zaluzani, SFOR conducted unannounced inspections of two Federation electronic warfare sites on 16 July — one at the Bosniac site of Bihac, and another at the Bosnian Croat site of Jajce. As a result of documents found at Jajce, SFOR carried out another inspection

[1] The Russian Federation reserves its special position on these matters.

at the 88 Military Intelligence Battalion headquarters in Mostar, and is currently analysing documents taken from there.

8. By another inspection carried out on a camouflaged radio relay station between Gorazde and Praca on 27 July, SFOR has established that no illegal monitoring of its activities has been carried out at that particular site.

9. In the period from 4 to 10 July SFOR carried out a road safety campaign emphasizing, inter alia, speed limits, wearing of seatbelts, and preparation of first aid kits, with the aim of reducing the number of deaths, injuries and material damage in traffic accidents.

Cooperation and compliance by the parties

10. Throughout the month of July the Entity Armed Forces carried out regular training activities which were generally in compliance with the military provisions of the Dayton Peace Agreement.

11. During the period under review, SFOR monitored a total of 318 training and movement activities: 138 Bosnian Serb; 42 Bosniac; 84 Bosnian Croat; and 14 Federation.

12. A total of 773 mine-clearing activities were monitored over this period: 326 Bosnian Serb; 317 Bosniac; and 130 Bosnian Croat.

13. SFOR also carried out 98 inspections and verifications of weapons storage sites: 48 Bosnian Serb; 19 Bosniac; 15 Bosnian Croat; and 16 Federation.

14. On 23 July, 31 Scorpion 7.65 automatic pistols were reported missing from a Bosnian Serb weapons storage site at Bogaz near Han Pijesak (30 km west of Srebrenica).[2] Instead of imposing a ban on training outside barracks, as had been done in other cases of stolen weapons reported earlier this year, the Commander of SFOR accepted the plan of the Bosnian Serbs to investigate the theft. On 31 July, the Commander of SFOR discussed the outcome of the investigation with the Commander of the Republika Srpska's fifth Corps. The Commander stated that the theft had been criminally motivated, that he had removed those responsible for the lack of security, and had given his assurance that corrective measures would be taken to improve the situation.

Cooperation with international organizations

15. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations in theatre, including the United Nations Mission in Bosnia and Herzegovina, the International Police Task Force (IPTF), the Office of the High Representative, the International Tribunal for the Former Yugoslavia, the Organization for Security and Cooperation in Europe and the Office of the United Nations High Commissioner for Refugees.

16. During the reporting period, SFOR provided support to IPTF during a demonstration in Zenica on 3 July, during a general strike in Lukavac and Tuzla on 4 July, and during ceremonies in Srebrenica on 5 and 11 July. On 15 July, SFOR

[2] The latest theft of weapons is the fifth of its kind to have been reported in Bosnia and Herzegovina this year — previous cases included two from Bosnian Serb sites and two from Bosnian Croat sites.

patrols were increased in the Travnik, Zenika and Sarajevo areas following a report from the Government that extremists had acquired four surface-to-air missiles and were planning to attack Javier Solana, or the aircraft used by the Presidents of Croatia and the Federal Republic of Yugoslavia to attend the three-nation presidential summit.

17. On 19 July, SFOR also provided support to IPTF during an investigation of an alleged border violation at Kostajnica bridge, an area disputed by Croatia and Bosnia and Herzegovina.[3]

18. Assistance continues to be provided by SFOR to the Office of the High Representative in monitoring the situation in the Dobrinja area.

19. SFOR provided support to the Tribunal during exhumations in and around Gorazde, Sarajevo, Kotor Varos and Zvornik.

20. Following talks between NATO and ICAO on matters of airspace normalization, amended civil special instructions will be published on 1 August for the operation of three airways between Bosnia and Herzegovina and the Federal Republic of Yugoslavia. Thereafter, Air Bosnia will begin a direct, regular passenger service between Sarajevo and Belgrade.

21. In discussions led by the Office of the High Representative and the Federation Minister of Transportation on the handover of Sarajevo airport, SFOR has indicated its willingness to offer some interim support once the Federation has offered a timetable and firm commitment to take over airport operations.

Outlook

22. The security situation is expected to remain stable. Preparations for the general elections to be held in October have so far been low key.

[3] The Croatian and Bosnian authorities signed a draft agreement on 23 July, calling for a joint checkpoint on the Kostajnica bridge and a customs point on the disputed island formed by the Uncica and Una Rivers. The agreement has to be finalized by Sarajevo and Zagreb.

United Nations S/2002/1139

Security Council

Distr.: General
14 October 2002

Original: English

Report of the Secretary-General concerning the credentials of the alternate representatives of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 8 October 2002 from the Permanent Mission of the Russian Federation to the United Nations stating that Mr. Dmitry A. Lobach and Mr. Andrey A. Nikiforov have been appointed alternate representatives of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this note verbale constitutes adequate provisional credentials.

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United Nations S/2002/1140

Security Council

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14 October 2002

Original: English

Letter dated 14 October 2002 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

In accordance with article 39 of the provisional rules of procedure of the Security Council, I have the honour to request the participation of H.E. Mr. Yahya Mahmassani, Permanent Observer of the League of Arab States to the United Nations, in the discussion of the agenda item under consideration by the Council on Iraq, which will start on 16 October 2002.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

02-63766 (E) 151002

United Nations S/2002/1141

Security Council

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14 October 2002

Original: English

Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1427 (2002) of 29 July 2002, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2003 and requested me to report three months from the date of the adoption of the resolution. It provides an update on developments since my report of 10 July 2002 (S/2002/742).

2. Heidi Tagliavini continued to head UNOMIG as my Special Representative for Georgia, and Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG on 1 October 2002 stood at 108 military observers (see annex).

II. Political process

3. During the period under review, UNOMIG continued to search for ways to engage the Georgian and Abkhaz sides on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter, as a step towards holding substantial negotiations on the core issue of the conflict, namely, the future status of Abkhazia within the State of Georgia. In these efforts, it had the support of the Group of Friends of the Secretary-General. At the same time, UNOMIG devoted considerable energy to the situation in the Kodori Valley, which remained a major source of tension. The situation in the wider area remained tense in the context of which UNOMIG carries out its work.

4. In addition to consulting with the leadership of the two sides, and in order to find ways to move the political process forward and overcome continuing Abkhaz refusal to even discuss the paper on competences, my Special Representative embarked on a round of consultations in the capitals of the Member States constituting the Group of Friends. In August and September, she visited Moscow, Washington and Berlin and she intends to visit London and Paris in the near future. She also conducted consultations at Headquarters in New York.

5. The efforts to arrange a meeting in Sukhumi at which my Special Representative, together with the representatives of the Group of Friends, would familiarize the Abkhaz leadership with the substance of the paper on competences (see S/2002/742, para. 4) have not succeeded so far. In view of this, and in consultation with the Group of Friends and my Special Representative, the Russian Federation offered to facilitate a meeting in Moscow with the de facto Abkhaz Prime Minister, Anri Jergenia. It was envisaged that, at that meeting, Mr. Jergenia would be acquainted with the substance of the paper on competences and the rationale behind it, but that it would not be handed over; Mr. Jergenia in turn would have the opportunity to explain his views on the settlement of the conflict. The meeting was scheduled for 5 October but it was not held because Mr. Jergenia rejected a discussion of the paper and the participation of my Special Representative.

6. UNOMIG continued its efforts to bring the two sides together in the framework of the Coordinating Council. While it again proved to be impossible to arrange a meeting of the Council itself, the sides did meet on 20 July in Working Groups I (on security

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matters) and II (on internally displaced persons and refugees) of the Council. They also met several times, both in the presence of UNOMIG and bilaterally, to discuss the situation in and around the Kodori Valley.

III. Operational activities

7. The UNOMIG military observers continued to perform their mandated tasks through daily ground patrols in the Gali and Zugdidi sectors, as well as two- or three-day patrols in the Kodori Valley, the latter jointly with the Commonwealth of Independent States (CIS) peacekeeping force. On three occasions the patrols had to be cancelled because of the lack of security guarantees. Patrolling by helicopter remained suspended; administrative flights were conducted following a flight path over the Black Sea. The investigation into the shooting down of a UNOMIG helicopter on 8 October 2001 is to be completed by the end of October 2002.

Kodori Valley

8. Following the gradual stabilization of the situation in and around the Kodori Valley in May and June (see S/2002/742, para. 10), a joint UNOMIG/CIS patrol was conducted from 16 to 18 July. It assessed the situation as calm but unstable; the mortars and ammunition observed in the Georgian-controlled upper valley by earlier patrols (see S/2002/742, para. 11) had, however, still not been removed. On 20 July, Working Group I of the Coordinating Council met under the chairmanship of the Chief Military Observer to discuss measures to further stabilize the situation in the Kodori Valley. The Georgian side stated that it had reduced the number of border guards and undertook again to remove the military equipment from the valley.

9. Late in July, the situation took a turn for the worse. On 30 July, the Georgian authorities informed UNOMIG that Abkhaz troops had been spotted near the Marukhi Pass (on the Russian-Georgian border) which is connected to the upper Kodori Valley by the approximately 40-kilometre long Chkhalta Valley. On the same day, the Abkhaz side informed UNOMIG that several Georgian helicopters had landed troops close to the pass; it threatened military action if the Georgian side did not withdraw immediately.

10. On 31 July, a UNOMIG/CIS patrol was told by Georgian officials that a Russian helicopter carrying troops had landed south of the Marukhi Pass. Later in the day, the Georgian Defence Minister and the Chief of the National Guard arrived in the Kodori Valley and went to the Marukhi Pass. On their return, the two officials stated to the UNOMIG patrol that the Russian helicopter had flown into the area mistakenly and that the situation had been resolved. Also on 31 July, UNOMIG received a letter from the Abkhaz side, expressing strong concerns about Georgian landings in the Marukhi Pass area the day before and informing UNOMIG that several checkpoints would be established there to prevent infiltration by "international terrorists" and "illegal actions" by the Georgian side.

11. As the tensions were mounting, UNOMIG worked with the two parties to prevent a resort to force. On 4 August, it arranged a meeting between the Georgian State Minister, Avtandil Jorbenadze, and Mr. Jergenia on the Inguri River bridge. At that meeting, and a follow-up meeting of the respective Chiefs of General Staff on 6 August, the parties agreed to withdraw their units from the Marukhi Pass area and jointly inspect it as soon as possible. That inspection has not so far been carried out. The parties also requested UNOMIG to participate in the inspection and consider establishing a permanent post in the upper Kodori Valley.

12. During the following days, the tensions continued. The Georgian side accused the Abkhaz of moving their forces to Georgian-controlled territory near the Marukhi Pass and firing on a border guard helicopter. On 13 August, another high-level meeting between the two sides was convened. Soon after the talks started, however, the Georgian delegation received a report that fighting had broken out between the two sides near the Marukhi Pass. The meeting was suspended, and the Georgian delegation flew to the area to clarify the situation. It returned later that day and stated that Abkhaz armed units had moved forward from their positions into the Chkhalta Valley and that Georgian forces had opened fire.

13. On 14 August, the Defence Ministers of the two sides met. They again agreed to withdraw their forces from the positions in the Marukhi Pass area, to remove jointly newly laid mines there, and to request UNOMIG and the CIS peacekeeping force to monitor the withdrawal and mine clearing.

14. A joint UNOMIG/CIS patrol to the Kodori Valley planned for mid-August was cancelled because the Georgian authorities did not provide the necessary security guarantees. The planned joint mine clearance has not been carried out so far, because the sides at subsequent technical meetings, could not agree on the modalities for the operation.

15. Despite this lack of tangible results of the various meetings, they succeeded in defusing the tensions for the time being and a joint UNOMIG/CIS patrol to the Kodori Valley was conducted from 31 August to 2 September. It found that the Abkhaz side was repairing the road in the lower part of the valley and that the CIS checkpoints there had increased their protective measures; the Georgian mortars and ammunition in the upper valley had still not been removed. The next two patrols, however, planned to start on 12 and 25 September respectively, were cancelled, the first because the Georgian side had not cleared the mines at the entrance to the Georgian-controlled upper part of the valley (as is the usual procedure), and the second because the Abkhaz side did not provide security clearance for the Abkhaz-controlled lower part, owing to the alleged presence of armed irregulars there. A patrol did go to the Kodori Valley from 3 to 8 October and observed the removal of the Georgian mortars and ammunition from the valley.

Gali and Zugdidi sectors

16. The general security situation in the Gali sector was calm, with the exception of the lower Gali area, where there were two particularly violent shooting incidents. The first was an exchange of fire between the Abkhaz militia and an unidentified armed group during the night of 31 August/1 September at Khumuskhuri (about 15 kilometres south-west of Gali city); three members of the armed group were killed. The second occurred on 25 September, when three Abkhaz officials were killed in an ambush in broad daylight near the main bridge across the Inguri River. There were also a number of shootings at Abkhaz and CIS positions, as well as two explosions; none of these incidents led to fatalities.

17. There was the usual upsurge in robberies during the hazelnut harvest, though the crime rate overall was lower than in previous years. Still, 14 robberies were reported, as well as a number of tit-for-tat abduction cases. The activities of local law enforcement agencies are seen as insufficient by the returnee population in the lower Gali area.

18. In order to explore ways of strengthening the law enforcement agencies, my Special Representative continued consultations with the two sides. In this connection, a meeting of Working Group II of the Coordinating Council was convened on 20 July, chaired by the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) to Georgia. Working Group II had previously only met twice in 1998. The outcome included a request for UNOMIG to dispatch a security assessment team to the Gali and Zugdidi districts later this year, as a follow-up to the recommendations of the joint assessment mission undertaken in November 2000 (see S/2001/59, annex II). The assessment team will provide options and make recommendations to my Special Representative for improving the effectiveness of law enforcement personnel and agencies and their cooperation with the judiciary, with the aim of creating a safer and more secure environment for persons wishing to exercise their right of return or having already returned. Working Group II also agreed that the problems of the returnee population would become a topic for the weekly quadripartite meetings (these meetings bring together the two parties, UNOMIG and the CIS peacekeeping force for a regular exchange on practical issues on the ground).

19. The general security situation in the Zugdidi sector was calm. The law and order situation has improved to some extent; there were only two robberies reported to UNOMIG during the reporting period. Criminal activities across the ceasefire line nevertheless remained a problem, and often perpetrators of crimes on one side flee to the other side to take refuge. Demonstrations by internally displaced persons, including a blockade of the main bridge over the Inguri River from 22 August to 5 September, reflected the desperation among the refugees 10 years after the start of the hostilities. They demanded the proper payment of their allowances, the withdrawal of the CIS peacekeeping force and the prompt return of refugees to their original homes. As a result of heavy rainfall at the end of June, a significant number of bridges and roads within the Zugdidi sector were either damaged or destroyed, which had a negative effect on UNOMIG patrols.

IV. Cooperation with the collective peacekeeping force of the Commonwealth of Independent States

20. UNOMIG and the CIS peacekeeping force continued to work in close cooperation, in particular in conducting the joint patrols to the Kodori Valley, and maintained good relations at all levels. The staff of the two organizations held regular meetings, complementing the exchanges between the Chief Military Observer and the CIS Force Commander. The weekly quadripartite meetings and the activities of the Joint Fact-Finding Group also remained useful platforms for information sharing and coordination.

V. Humanitarian situation and human rights

21. International humanitarian agencies and non-governmental organizations continued their programmes, targeting the acute food and medical needs of the most vulnerable segments of the population in Abkhazia, and conducted mine-clearance, small-scale rehabilitation and community development activities. Their operations continued to be hampered by restrictions on border crossings at the Psou River.

22. UNHCR continued its limited humanitarian operation in Abkhazia, against the background of recurrent concerns about security and criminality. In cooperation with local authorities and beneficiary communities, it pursued the basic rehabilitation of school buildings, as endorsed by the parties in Working Group III of the Coordinating Council. This year, the emphasis of this activity, which covers 49 schools, is in areas beyond the Gali district. The project has essentially been implemented, though some construction work remains to be completed by the local communities. A group of vulnerable elderly persons in Sukhumi continued to benefit from a small-scale UNHCR assistance programme through a local non-governmental implementing partner. Following the establishment of a sub-account for humanitarian quick-impact projects in the UNOMIG Trust Fund, efforts are under way to obtain funding for a number of projects that have been identified.

23. The human rights situation in Abkhazia remained fragile, particularly in the security zone at the Gali side of the ceasefire line. The Mission's Human Rights Office continued to promote human rights awareness through a specialized programme on a district television station and the publication of two United Nations human rights documents in the Abkhaz language, "Guiding Principles on Internal Displacement" and "Minority Rights". It also started to participate in the weekly quadripartite meetings, following the decision by Working Group II that returnee issues would be discussed regularly in that forum.

VI. Support issues

24. UNOMIG has now installed two more satellite communication stations, thereby providing full interconnectivity throughout the Mission area, including the two sectors. A further 14 microwave systems are being deployed in the Mission area. The VHF network has been expanded from 16 to 32 channels to make provision for operational, evacuation, security, air operations and medevac/search and rescue channels.

VII. Observations

25. During the period reviewed in this report, the situation in the Georgian-Abkhaz conflict zone has, unfortunately, not improved. In the absence of a substantive negotiation process on the core issue of the conflict — the status of Abkhazia within the State of Georgia — upsurges of tension, including exchanges of gunfire, continued to occur with alarming frequency, while the population suffered from crime, partisan violence and the lack of economic development. To reduce these tensions, the Abkhaz side needs to reconsider its refusal even to discuss the paper "Basic Principles of the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter, which is, after all, only the starting point for negotiations in which the legitimate interests of the multi-ethnic population of Abkhazia can be addressed. The Georgian side, for its part, needs to make more efforts to promote trust and confidence on the Abkhaz side. My Special Representative will continue her efforts, with the support of the Group of Friends, to encourage advancement in the political process, but the basic responsibility lies with the parties.

26. The Kodori Valley has been a source of tension for more than a year. UNOMIG will continue its efforts to defuse tensions emanating from the area and bring the parties together to address the underlying problems. However, again it is up to the parties, who exercise control in this area, to do their part to prevent destabilization and create the security conditions in which UNOMIG can function.

27. It is deplorable that there has been no progress on refugee returns, owing to the absence of the safe, secure and dignified conditions under which such returns are to be effected according to international law and the 1994 Quadripartite Agreement. The UNOMIG security assessment team will seek to identify ways in which the existing law enforcement personnel and institutions can improve their effectiveness in combating criminal activities and strengthening the rule of law.

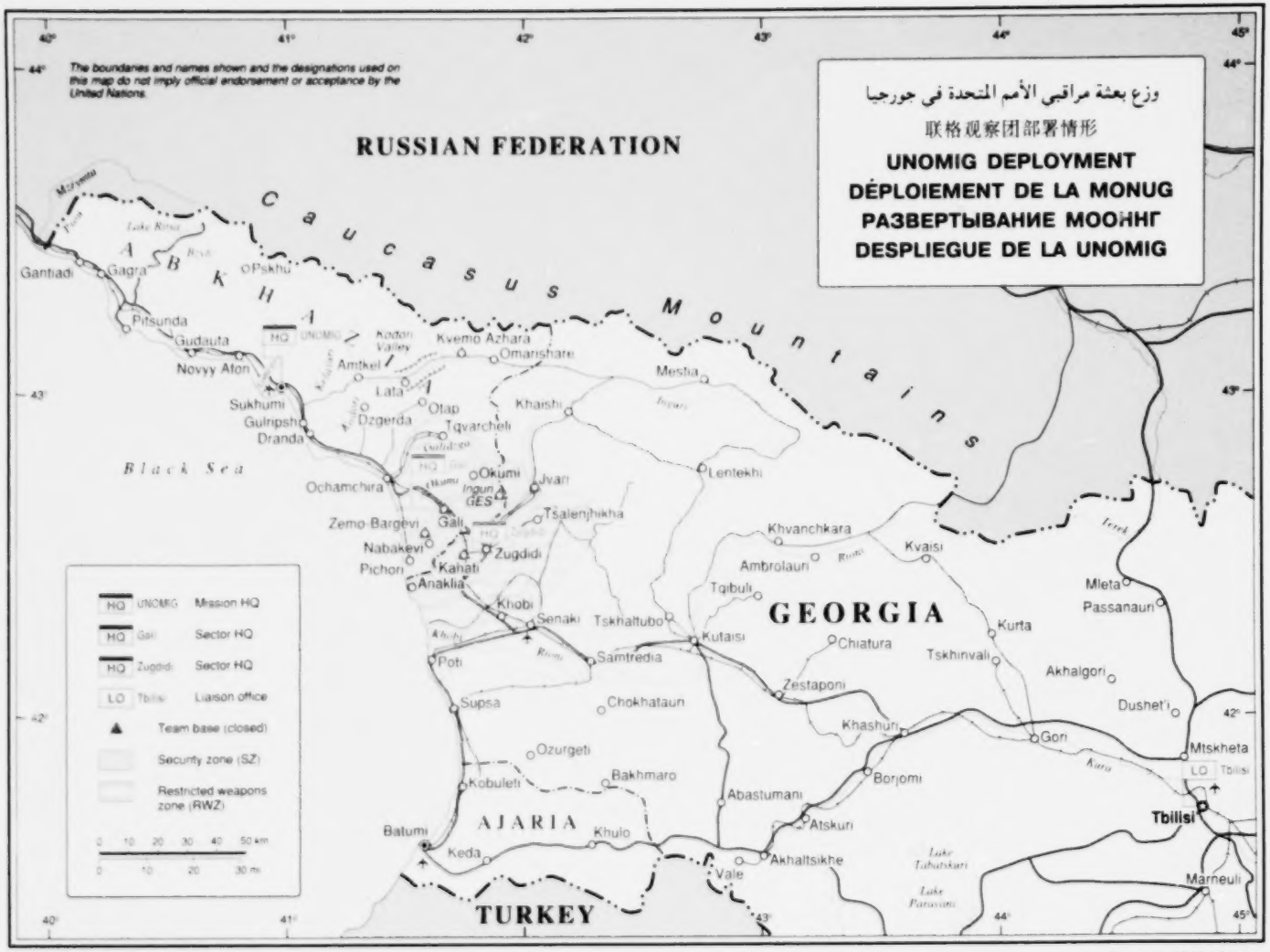
28. One year after the shooting down of a United Nations helicopter, as UNOMIG remembers its colleagues who lost their lives in the service of peace, the perpetrators of the crime are still at large, as are those responsible for taking UNOMIG personnel hostage in several incidents from 1998 to 2000. Every effort must be made to apprehend them and bring them to trial.

29. In conclusion, I should like to express my appreciation for the steadfastness and dedication with which my Special Representative, Heidi Tagliavini, the Chief Military Observer, Major General Kazi Ashfaq Ahmed, and the men and women of UNOMIG have carried out their difficult and often dangerous duties.

Annex

Countries providing military observers (as at 1 October 2002)

Country	*Military observers*
Albania	1
Austria	2
Bangladesh	8
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	7
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**108**



Map No. 3837 Rev. 34 UNITED NATIONS
October 2002

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Cartographic Section

United Nations S/2002/1142

Security Council

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Letter dated 14 October 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the text of the joint communiqué concerning the visit to Bujumbura (Burundi) of Léonard She Okitundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo.

My Government requests you to have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

02-63905 (E) 151002 151002

Annex to the letter dated 14 October 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Joint communiqué issued at the close of the visit by Léonard She Okitundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo

1. At the invitation of Thérence Sinunguruza, Minister for Foreign Affairs and Cooperation of Burundi, Léonard She Otikundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, made a working visit to Bujumbura on 12 and 13 October 2002.

2. The visit was made in the context of the desire expressed by the highest authorities of the Democratic Republic of the Congo and of Burundi to consolidate the achievements of the peace process in their respective countries, in view of their interdependence.

3. During the visit, the President of Burundi, Pierre Buyoya, and the Vice-President of Burundi, Domitien Ndayizeye, respectively, granted an audience to the Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo.

4. During these audiences, the discussions focused on the situation prevailing in the two countries, their respective concerns with regard to security and the ways and means, in terms of commitments, to normalize relations between the two countries.

5. With regard to the situation prevailing in the Democratic Republic of the Congo and in Burundi, the two delegations welcomed the progress already made in the context of the implementation of the Arusha Agreement on Peace and Reconciliation in Burundi and of the ongoing peace process in the Democratic Republic of the Congo.

6. With a view to expediting the peace process in the two countries and bearing in mind the long-standing links of culture, consanguinity and friendship between our peoples, the two delegations agreed:

6.1 To work for the restoration of a climate of mutual trust between the Democratic Republic of the Congo and Burundi;

6.2 To work together to restore the cordial relations of friendship, good-neighbourliness and cooperation which have always existed between the two countries, to normalize them and to comply, for that purpose, with the relevant provisions of the Charter of the United Nations and of the Constitutive Act of the African Union;

6.3 To reaffirm their desire to refrain from recourse to the use of force in the event of conflict and to exhaust the means for the peaceful settlement of disputes and of legal claims between States, in particular through mutual agreement;

6.4 To reactivate the machinery for concerted bilateral action and to conclude a separate agreement to define the practical procedures for the implementation of the commitments made on 12 October 2002 in Bujumbura;

6.5 To define and establish an effective machinery for the surveillance and control of their common frontier, including Lake Tanganyika;

6.6 To refrain from offering support and facilities to rebel movements.

7. To that end, the Government of the Democratic Republic of the Congo undertakes:

7.1 To continue its contribution to promoting the involvement of rebel Burundi groups in the process of negotiation of the ceasefire without conditions and within the framework of the Arusha Agreement in accordance with the recent decisions of the Eighteenth Summit Meeting of the Heads of State of the Regional Peace Initiative on Burundi held in Dar es Salaam, United Republic of Tanzania, on 6 and 7 October 2002 (see S/2002/1124).

7.2 To take all measures to ensure that the territory is not used by any group whatsoever as a rear base from which direct or indirect attacks might be launched against Burundi.

8. The Government of Burundi undertakes to conclude the withdrawal of its troops as swiftly as possible.

9. The Government of Burundi undertakes to prohibit the transit and marketing in its territory of material arising from the looting of the natural resources of the Democratic Republic of the Congo.

10. The two delegations agreed to conclude as soon as possible a normalization and security cooperation agreement between the Democratic Republic of the Congo and Burundi. This agreement will be initialled by the ministers responsible for foreign affairs and submitted to the two Heads of State for signature on a date and in a country to be determined.

11. With a view to ensuring the implementation of the agreement that will be signed between the two States, the two delegations agreed to use the offices of a third party in a form to be determined by the two Heads of State.

12. With a view to maintaining a climate of mutual trust between the two States, the two delegations agreed to establish machinery for the exchange of information as soon as possible.

13. At the close of his working visit to Burundi, Léonard She Otikundu, Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo, conveyed to Major Pierre Buyoya, President of Burundi, and to his Government appreciation of the cordial and fraternal welcome accorded to him and to the members of his delegation during their stay in Bujumbura.

DONE at Bujumbura on 12 October 2002

For the Government of the Democratic Republic of the Congo:
Léonard She Otikundu
Minister for Foreign Affairs and International Cooperation

For the Government of Burundi:
Thérence Sinunguruza
Minister for Foreign Affairs and Cooperation

United Nations S/2002/1143

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Letter dated 14 October 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the text of the communiqué in which the Government of the Democratic Republic of the Congo calls on the forces of the Mai-Mai and the Congolese Rally for Democracy (RCD)-Goma to observe the ceasefire in the province of South Kivu.

My Government requests that you circulate this letter and its annex as a document of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

02-63911 (E) 151002 151002

Annex to the letter dated 14 October 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Democratic Republic of the Congo
Ministry of Communications and the Press

Office of the Minister

Communiqué from the Government of the Democratic Republic of the Congo

The Government invites the Mai-Mai and RCD-Goma to observe the ceasefire in South Kivu

The Government of the Democratic Republic of the Congo is following closely the worrying situation existing in the province of South Kivu in the eastern part of the country.

Various sources report heavy fighting between Mai-Mai and RCD-Goma troops in the vicinity of the major cities, in particular Uvira.

This very serious situation could jeopardize the peace process currently under way, for which the Government of the Republic and the Congolese people have made great efforts and sacrifices.

In light of the ongoing withdrawal of foreign troops, on the one hand, and the considerable progress made to date towards a comprehensive and inclusive agreement, on the other, the Congolese people would be ill served by a new and pointless fratricidal war which could only add to the already very long list of innocent victims.

Accordingly, the Government of the Democratic Republic of the Congo makes a solemn appeal to the Mai-Mai and RCD-Goma combatants to cease hostilities immediately and unconditionally in order to give peace a chance.

It also requests RCD-Goma to refrain from any act of provocation and calls on all the opposing forces to halt any troop movements which might aggravate the situation.

The Government stands ready to maintain useful contacts with all the parties concerned and calls for calm and vigilance on the part of the population living in that region of the country.

It further invites the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the third party to the Pretoria Agreement to reinforce their presence in the eastern part of the Democratic Republic of the Congo with a view to prevailing on the parties to observe the ceasefire.

To that end, the Government of the Democratic Republic of the Congo calls for the urgent holding of a meeting with the forces involved in this new crisis, civil society and the local churches in order to avoid any possible escalation of violence which would delay the conclusion of a comprehensive and inclusive agreement, the

only juridical framework for peaceful coexistence of the political and social forces during the transition.

Done at Kinshasa, on 14 October 2002.

(*Signed*) Kikaya **bin Karubi**
Ambassador
Minister of Communications and the Press
Government Spokesman

United Nations A/ES-10/200–S/2002/1144

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 14 October 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, continues militantly to pursue its policy of extrajudiciary executions, compounding the countless war crimes and acts of State terrorism against the Palestinian people for which it must be held accountable. Yesterday, 13 October 2002, Mohammed Abayat was killed when a public telephone exploded in his hand outside a hospital in Beit Jala where his mother is a patient. This latest extrajudiciary execution carried out by Israel, the occupying Power, comes after 22 other Palestinian civilians, including children, were killed in cold blood by Israeli occupying forces since our last letter dated to you on Monday, 7 October 2002.

In the early morning hours of yesterday (Palestine time), a three-year-old boy was also killed when Israeli occupying forces blew up several Palestinian homes in Rafah, causing part of a house to collapse and crush him. In addition to the death of the young child, scores of Palestinian civilians were injured, many of them critically. Moreover, in Jenin, an Israeli tank opened fire on a taxi van, killing a Palestinian woman and wounding two young girls.

It has become apparent that wilful killings of Palestinian civilians have become a pattern of behaviour by Israeli occupying forces. This behaviour has been tragically illustrated on far too many occurrences. For instance, on Friday, 11 October 2002, Israeli occupying forces killed a 60-year-old Palestinian woman as she sat on the veranda of her house in Nablus. Also, on Thursday, 10 October 2002, Israeli tank fire killed a 12-year-old and an 18-year-old boy during an Israeli raid into the Rafah refugee camp.

The international community cannot stand idly by while the Israeli occupying forces continue to carry out this bloody and brutal military campaign against the Palestinian people. Israel, the occupying Power, cannot continue to carry out such war crimes, State terrorism and systemic human rights violations against the Palestinian people under its occupation with impunity. The international community

02-63791 (E) 151002

must bring an immediate end to all Israeli crimes and bring all perpetrators of these crimes to international justice.

In follow-up to my previous 141 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 7 October 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/245; A/ES-10/157-S/2002/253; A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/361; A/ES-10/166-S/2002/370; A/ES-10/167-S/2002/433; A/ES-10/168-S/2002/474; A/ES-10/169-S/2002/495; A/ES-10/173-S/2002/536; A/ES-10/174-S/2002/555; A/ES-10/175-S/2002/610; A/ES-10/176-S/2002/617; A/ES-10/177-S/2002/641; A/ES-10/178-S/2002/650; A/ES-10/179-S/2002/654; A/ES-10/180-S/2002/686; A/ES-10/181-S/2002/697; A/ES-10/182-S/2002/699; A/ES-10/183-S/2002/717; A/ES-10/184-S/2002/738; A/ES-10/185-S/2002/827; A/ES-10/190-S/2002/891; A/ES-10/192-S/2002/976; A/ES-10/193-S/2002/983; A/ES-10/194-S/2002/1052; A/ES-10/195-S/2002/1066; A/ES-10/196-S/2002/1083; A/ES-10/197-S/2002/1094; A/ES-10/198-S/2002/1104; and A/ES-10/199-

S/2002/1114), it is my regret to inform you that, since my last letter to you, at least 22 Palestinians, including children, have been killed by Israeli occupying forces, raising the total number of Palestinian martyrs killed since 28 September 2000 to 1,877. (The names of the martyrs that have been identified thus far are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as an official document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 14 October 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Monday, 7 October 2002, through Monday, 14 October 2002)

Monday, 7 October 2002

Ahmed Salah Eid (in addition to the names of the martyrs included in the letter dated Monday, 7 October 2002)

Tuesday, 8 October 2002

1. Mohammed Hashem Al-Astal (from wounds sustained on Monday, 7 October 2002, during the Khan Yunis missile attack)
2. Mahmoud Judah Al-Astal (from wounds sustained on Monday, 7 October 2002, during the Khan Yunis missile attack)
3. Maysa Imad Zanoun

Wednesday, 9 October 2002

1. Ahmed Khalil Radwan
2. Mohammed Moussa Ashoor (16 years old)

Thursday, 10 October 2002

1. Tha'er Salah Al-Hoot (12 years old)
2. Ehab Fathi Al-Mughair
3. Badr Mohammed Amer Badr

Friday, 11 October 2002

1. Tareq Abdel Karim Qudeeh
2. Fathiyeh Abdallah Al-Sufi
3. Shaden Abdel Qader Al-Saleh Abu Hijleh

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,877

Saturday, 12 October 2002

1. Arafat Selim Qudeeh
2. Taher Mohammed Hassan Qanb

Sunday, 13 October 2002

1. Tawfiq Hussam Bereekah (three years old)
2. Ibrahim Mohammed Al-Ghoutt
3. Ayman Ahdiyan Al-Akhras
4. Ashraf Omar Dawood
5. Mohammed Abed Mohammed Abayat
6. Yousra Abdel Rahman Yussef Sawalheh

Monday, 14 October 2002

1. Wisam Ahmed Mohammed Saba'aneh
2. Mohammed Nafe'a Abdel Qader Moussa

United Nations S/2002/1145

Security Council

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The Security Council,

Reaffirming the purposes and principles of the Charter of the United Nations and its relevant resolutions, in particular resolution 1373 (2001) of 28 September 2001,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

1. *Condemns* in the strongest terms the bomb attacks in Bali, Indonesia, on 12 October 2002 in which so many lives were claimed and people injured, as well as other recent terrorist acts in various countries, and regards such acts, like any act of international terrorism, as a threat to international peace and security;

2. *Expresses* its deepest sympathy and condolences to the Government and people of Indonesia and to the victims of the bomb attacks and their families;

3. *Urges* all States, in accordance with their obligations under resolution 1373 (2001), to work together urgently and to cooperate with and provide support and assistance, as appropriate, to the Indonesian authorities in their efforts to find and bring to justice the perpetrators, organizers and sponsors of these terrorist attacks;

4. *Expresses* its reinforced determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter of the United Nations.

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